

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

D.N. and S.N., minors by and through their Guardians Ad Litem Arthur Nelson IV and Marie Nelson, ARTHUR NELSON IV, and MARIE NELSON, : **CIVIL ACTION NO. 1:08-CV-0526**

Plaintiffs

V.

**KEVIN SNYDER, GORDON WATTS,
and NORTH LONDONDERRY
TOWNSHIP,**

Defendants

ORDER

AND NOW, this 11th day of May, 2009, upon consideration of defendants' motion (Doc. 43) for relief from the order of court (Doc. 42) dated May 6, 2009, which granted as unopposed the motion (Doc. 24) to quash subpoena filed by non-party the Lebanon County Detective Bureau ("LCDB"), and it appearing that defendants failed to oppose LCDB's motion (Doc. 24) because defense counsel "believed incorrectly that the response had been filed by his office,"¹ (Doc. 44 at 2), and that under the circumstances of the case, it is consonant with justice to allow defendants to oppose the motion (Doc. 24) to quash on its merits, see United States v. Jerry, 487

¹ The court granted LCDB's motion (Doc. 24) to quash as unopposed after the court ordered defendants to file a brief opposing the motion on or before April 30, 2008, and they failed to do so. (See Doc. 42.) In the instant motion, defense counsel states, "The blame for the failure to file rests solely upon the undersigned counsel for failing to ensure that the [opposition] brief was filed in a timely manner." (Doc. 44 at 2.)

F.2d 600, 605 (3d Cir. 1973) (holding that a district court has the inherent power to reconsider its interlocutory orders “when it is consonant with justice to do so”); Alea N. Am. Ins. Co. v. Salem Masonry Co., 301 F. App’x 119, 2008 WL 5096865, at *1 (3d Cir. Dec. 4, 2008); see also Braden v. Univ. of Pittsburgh, 552 F.2d 948, 954 & n.32 (3d Cir. 1977) (citing cases); Kurns v. Chesterton, Civ. A. No. 08-2216, 2009 WL 249769, at *6 (E.D. Pa. Feb. 3, 2009) (“[I]f a district court has proper jurisdiction over the case, ‘it possesses inherent power over interlocutory orders and can reconsider them when it is consonant with justice to do so.’”), it is hereby ORDERED that:

1. Defendants’ motion (Doc. 43) for relief from the order of court (Doc. 42) dated May 6, 2009 is GRANTED. The court’s May 6, 2009 order granting non-party LCDB’s motion (Doc. 24) to quash is VACATED.
2. The Clerk of Court is instructed to docket as properly filed the proposed supplemental brief in opposition (Doc. 44, Ex. 1) to LCDB’s motion to quash.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge